



U.S. Department of Justice

United States Attorney  
Southern District of New York

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The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 6, 2023

**By ECF**

Hon. Richard M. Berman  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: United States v. Avraham Eisenberg, 23 Cr. 10 (RMB)**

Judge Berman:

The parties submit the proposed schedule for certain pretrial motions and submissions in the above-captioned case. The below proposed schedule includes the deadlines outlined in the previously ordered schedule for other pretrial motions and submissions. *See* ECF No. 25.

- October 23, 2023: The Government provides notice (consistent with Rule 16) to the defendant of evidence it may seek to offer pursuant to Federal Rule of Evidence 404(b). The defense provides notice of intention to assert an advice of counsel defense.
- October 30, 2023: The parties provide notice (consistent with Rule 16) of experts potentially to be called during their respective cases in chief.
- November 6, 2023: The parties file motions *in limine* and *Daubert* motions.
- The parties file joint *voir dire*, jury instructions, and verdict sheet.
- November 9, 2023: The Government provides to the defendant material covered by 18 U.S.C. § 3500 and *Giglio v. United States*, 405 U.S. 150 (1972), to the extent it was not previously produced to the defendant. The parties provide notice (consistent with Rule 16) of any rebuttal experts potentially to be called in response to the parties' October 30 expert disclosures.
- November 13, 2023: The parties file oppositions to motions *in limine* and *Daubert* motions.
- November 20, 2023: The Government provides the defendant a list of exhibits the Government reasonably expects to seek to introduce during its case-in-chief. This exhibit list will be subject to good-faith revision as the Government continues to prepare its case for trial,

including in response to the defendant's lists of proposed exhibits and as it prepares summary and demonstrative exhibits.

The Government provides to the defendant a list of witnesses whom the Government reasonably expects to call in its case-in-chief. This list will be subject to good-faith revision as the Government continues to prepare for its case and as stipulations are (or are not) reached with respect to custodial and authentication witnesses.

November 27, 2023: The defendant provides to the Government all materials subject to disclosure pursuant to Rule 16(b), as well as a list of exhibits that the defendant reasonably expects to seek to introduce during the Government's case-in-chief (aside from any impeachment materials). This exhibit list will be subject to good-faith revision as the defendant continues to prepare for his case.

The defendant provides to the Government a list of witnesses whom the defendant reasonably expects to call in his case. This list will be subject to good-faith revision as the defendant continues to prepare his case and as stipulations are (or are not) reached with respect to custodial and authentication witnesses.

The defendant provides to the Government material covered by Rule 26.2 of the Federal Rules of Criminal Procedure.

November 29, 2023: Final Pretrial Conference at 10:00 a.m.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: /s/ Thomas Burnett  
Thomas Burnett  
Peter J. Davis  
Assistant United States Attorneys

Tian Huang  
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